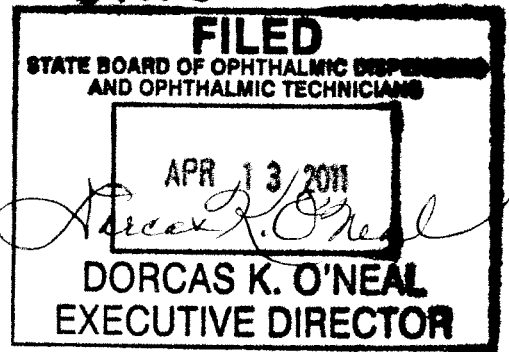


ATT: Susan BERGER Complaint # 78068

ORIGINAL

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pd 5/18/11  
CK# 11855806  
\$500.00

STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF OPHTHALMIC DISPENSERS AND  
OPHTHALMIC TECHNICIANS

IN THE MATTER OF	:	
	:	ADMINISTRATIVE ACTION
ALEKSEY ZHUKOV	:	
	:	CONSENT ORDER
ENGAGING IN THE UNLICENSED	:	
PRACTICE OF OPHTHALMIC	:	
DISPENSING IN THE STATE OF	:	
NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Ophthalmic Dispensers and Ophthalmic Technicians (the "Board") upon receipt of information which revealed that Aleksey Zhukov, (Respondent), an owner and manager of Cohen's Fashion Optical, located at 400 Common Way, Suite 354, Bridgewater, New Jersey, practiced ophthalmic dispensing without a license since January

2008. The investigation revealed a probable violation of N.J.S.A.  
52:17B-41.18.

Respondent appeared before the Board on November 10, 2010 with counsel, Leo L. Grigolia, Esq., and testified that he purchased the Bridgewater store on September 19, 2006 together with his partner Sveta Kats and that he manages the store. Respondent stated that he does not hold any professional or occupational license in any state. Respondent acknowledges that he has engaged in ophthalmic dispensing at Cohen's Fashion Optical in Bridgewater, that he knew that the store operated many hours without a licensed ophthalmic dispenser, was cognizant during the year 2010 that unlicensed individuals were engaging in ophthalmic dispensing at the store, and that he advised employees to write the initials "JC" (the initials of a former licensed employee) as the optician who dispensed eyewear.

The Board also received a complaint from a senior citizen, Ellen Rosenthal stating that respondent dispensed eyeglasses to her during March 2010. The complaint further alleged that the lens fell out shortly after the glasses were dispensed.

Having reviewed the entire record, including an inspection report from the Division of Consumer Affairs, Enforcement Bureau, respondent's testimony before the Board and Ms. Rosenthal's complaint, the Board found that respondent practiced ophthalmic dispensing without a license and permitted unlicensed individuals to practice ophthalmic dispensing. These facts establish a

violation of N.J.S.A. 52:17B-41.18. It appearing that the parties desire to resolve this matter without recourse to formal proceedings, respondent waiving any right to a hearing and for good cause shown,

IT IS ON THIS 13<sup>th</sup> DAY OF April, 2011  
HEREBY ORDERED AND AGREED THAT:

1. Respondent shall immediately cease and desist from engaging in, or holding himself out as engaging in, the practice of ophthalmic dispensing in the State of New Jersey unless and until he is licensed by the Board.

2. Respondent shall cease and desist from permitting any unlicensed individuals from practicing as an ophthalmic dispenser or ophthalmic technician.

3. Within fifteen (15) days of the filing of this Order, Respondent shall submit a business plan for Cohen's Fashion Optical in Bridgewater demonstrating that there is a licensed ophthalmic dispenser at the premises, including a schedule of all licensees days and hours of employment at the premises, and ensuring that each individual who engages in the practice of ophthalmic dispensing has a current license to practice ophthalmic dispensing in New Jersey. The business plan shall be to the satisfactions of the Board and approval shall not be unreasonably withheld.

4. Respondent is assessed civil penalties, pursuant to N.J.S.A. 45:1-22 and 45:1-25, in the amount of \$30,000.00 for repeated practice as an ophthalmic dispenser without a license.

Providing that respondent complies with all of the terms of the Consent Order, fifteen thousand dollars (\$15,000.00) of the civil penalty shall be stayed. The civil penalty shall be paid contemporaneously with the signing of the within order. Payment shall be by certified check or money order made payable to the State of New Jersey and sent to Dorcas O'Neal, Executive Director, New Jersey State Board of Ophthalmic Dispensers and Ophthalmic Technicians, P.O. Box 45011, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101.

5. Contemporaneously with the signing of this Order, Respondent shall also pay restitution pursuant to N.J.S.A. 45:1-23 in the amount of \$200.00 to Ellen Rosenthal. Respondent shall send a certified check or money order made payable to Ellen Rosenthal to Dorcas O'Neal, Executive Director, New Jersey State Board of Ophthalmic Dispensers and Ophthalmic Technicians, P.O. Box 45011, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101 and the Board will forward the check to Ms. Rosenthal.

6. Respondent agrees to cooperate with unannounced, random inspections of the premises to assure compliance with the Consent Order.

7. In the event respondent requests a payment plan, he shall be permitted to pay the civil penalty pursuant to the plan set forth in this paragraph. The first payment of one thousand dollars (\$1,000.00) shall be paid contemporaneously with the signing of the within order. The remaining payments consisting of twenty eight

(28) payments of \$500.00 dollars shall be due and owing on the first of each month beginning on May 1, 2011. Each payment shall be paid no later than 1<sup>st</sup> day of the month in which the payment is due shall be due and owing. Each payment shall be made by certified check or money order payable to the "State of New Jersey" and sent to Dorcas O'Neal, Executive Director, New Jersey State Board of Ophthalmic Dispensers and Ophthalmic Technicians, P.O. Box 45011, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101. If respondent fails to make any payment by the 10<sup>th</sup> of the month in which it is due or if any payment is rejected for insufficient funds or any reason, the full amount of the civil penalty shall immediately become due and owing and shall be paid by certified check or money order.

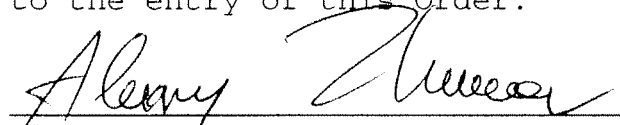
8. Failure to comply with this order, including failure to remit any payment as required by this Consent Order will result in the activation of the stayed portion of the civil penalty, the filing of a Certificate of Debt in the full amount owed plus court rate interest, and such other proceedings as are permitted by law. Subsequent violations will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

NEW JERSEY STATE BOARD OF OPHTHALMIC  
DISPENSERS AND OPHTHALMIC TECHNICIANS

By: \_\_\_\_\_

  
Michael Higgins, President

I have read and I understand  
this Consent Order and agree to  
be bound by its terms. I consent  
to the entry of this Order.

  
Aleksey Zhukov